

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ROBERT SOWLE;

Petitioner,

v.

Case No. 09-C-1150

JOHN HUSZ,¹

**Warden of the Milwaukee Secure
Detention Facility;**

Respondent.

DECISION AND ORDER

Three motions filed by pro se Petitioner Robert Sowle (“Sowle”), a state prisoner who filed a petition for a writ of habeas corpus, are addressed herein.

Motion to Correct Record

By his motion to correct the record, Sowle requests the complete transcript of the “sentencing” in *State of Wisconsin v. Sowle*, Case No. 97CF677, indicating that there are several pages missing from the response. (Mot. Correct Record, 1.) Sowle does not specify the date of the hearing.

However, based on review of the exhibits to the answer, the Court infers that Sowle is referring to the October 6, 2006, hearing before Waukesha County Circuit Court Judge J. Mac Davis. The Court will direct Husz to file a complete transcript of that hearing.

¹The Court has amended the caption to substitute as the Respondent, John Husz (“Husz”), the Warden of the Milwaukee Secure Detention Facility, where Sowle is currently in custody. See Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts (stating that “the petition must name as respondent the state officer who has custody.”)

See Rule 5(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

Motion for Copies

Sowle also filed a motion for copies of all documents filed in this action. He states that his indigency has not changed.

Sowle states only that the circumstances of his incarceration deny him the necessary records that he previously had. He does not further explain those circumstances.

In considering Sowle's request that he be furnished a copy of the file in this matter, the Court notes that the inmate trust account statement Sowle filed on December 17, 2009, indicated that he had funds available and was employed at Oakhill Correctional Institution. Sowle must file a more current inmate trust account statement so that the Court may consider his ability to pay copying costs of .50 per page. An authorization for release of institutional account information is attached to this Decision and Order.

Also enclosed with Sowle's copy of this Decision and Order is a copy of the current docket so that Sowle may identify needed documents. If Sowle requests all the documents in the file and believes he cannot pay for them, he must also inform the Court as to why he does not have the documents or access to them.

Motion for an Extension of Time

Sowle also filed a motion requesting an extension of time to file a reply. The Court did not order Sowle to file a reply. However, the Court will allow him to do so and will set a deadline for him to file the reply.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

Sowle's motion to correct the record (Docket No. 36) is **GRANTED**;

No later than July 25, 2011, Husz must file a complete copy of the transcript of the October 6, 2006, hearing in Case Nos. 88 CF 563, 96 CF 2002, and 97 CF 677 before Waukesha County Circuit Court Judge J. Mac Davis;

Sowle's motion for copies (Docket No. 38) **REQUIRES FURTHER SUPPLEMENTATION**. **No later than July 25, 2011**, Sowle must file a current inmate trust account statement for the preceding six months and the additional information as directed by this Decision and Order;

Sowle's motion for an extension of time to file a reply (Docket No. 37) is **GRANTED**;

Any reply brief in support of Sowle's petition for a writ of habeas corpus must be filed **on or before August 25, 2011**; and,

Husz is **SUBSTITUTED** as the Respondent in this action.

Dated at Milwaukee, Wisconsin this 23rd day of June, 2011.

BY THE COURT

s/ Rudolph T. Randa

**Hon. Rudolph T. Randa
U.S. District Judge**

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**GARY HUSZ,
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AUTHORIZATION FOR RELEASE OF INSTITUTIONAL ACCOUNT INFORMATION

I, Robert Sowle, _____, (Prison Identification Number) authorize the clerk of court to obtain from the agency having custody of my person, information about my prison trust account, including balances, deposits, and withdrawals for the preceding six months.

(Signature of Petitioner)

(Date)

**NOTE: A CERTIFIED COPY OF YOUR PRISON TRUST ACCOUNT
STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD
IMMEDIATELY PRECEDING MUST BE FILED.**